

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CR04-272 TSZ
	)	
v.	)	<b>PROPOSED FINDINGS OF FACT</b>
	)	<b>AND DETERMINATION AS TO</b>
AARON RICHARD ROBERTS,	)	<b>ALLEGED VIOLATIONS OF</b>
	)	<b>SUPERVISED RELEASE</b>
Defendant.	)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on July 27, 2010. The defendant appeared pursuant to warrant issued in this case. The United States was represented by Nicholas Brown, and defendant was represented by Dennis Carroll. Also present was U.S. Probation Officer Brian K. Facklam. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on September 17, 2004 by the Honorable Thomas S. Zilly for Felon in Possession of a Firearm. He received 37 months of detention and 3 years of supervised release.

Mr. Roberts began his original term of supervision on February 1, 2007. On February 16, 2007, the Court took no action for alcohol use as requested by the probation office. Then, on

1 March 26, 2007, a violation reports was submitted alleging that Mr. Roberts had violated his  
2 conditions of supervision by distributing crack cocaine and by driving without a license. Mr.  
3 Roberts was in state custody at the time and was ultimately convicted of those offenses in state  
4 court. He served approximately 24 months or a 45 month sentence and was then released to  
5 federal custody on the detainer issued by this Court.

6 Mr. Roberts admitted to the violations and on October 16, 2009, his supervision was  
7 revoked and he received a sentence of two months of detention, followed by an 18 month term of  
8 supervised release. He began his current term of supervised release on November 10, 2009.

9 PRESENTLY ALLEGED VIOLATIONS

10 In a petition dated April 7, 2010, U.S. Probation Officer Brian K. Facklam alleged that  
11 defendant violated the following conditions of supervised release:

12 1. Using marijuana on or about March 10, 2010, in violation of standard condition 7  
13 and his special condition ordering that he abstain from the use of other intoxicants.

14 2. Using alcohol on or about March 24, 2010, in violation of his special condition  
15 ordering that he abstain from the use of alcohol.

16 3. Committing the crime of Violation of the Uniform Controlled Substances Act on or  
17 about March 30, 2010, in violation of the general condition that he not commit another federal,  
18 state, or local crime.

19 4. Possessing drug paraphernalia on or about March 30, 2010, in violation of standard  
20 condition 7 which orders that he not possess any paraphernalia related to controlled substances.

21 FINDINGS FOLLOWING EVIDENTIARY HEARING

22 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
23 and was informed the matter would be set for a disposition hearing on August 26, 2010 at 1:30

1 p.m. before District Judge Thomas S. Zilly.

2 RECOMMENDED FINDINGS AND CONCLUSIONS

3 Based upon the foregoing, I recommend the court find that defendant has violated the  
4 conditions of his supervised release as alleged above, and conduct a disposition hearing.

5 DATED this 27<sup>th</sup> day of July, 2010.

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10 BRIAN A. TSUCHIDA  
11 United States Magistrate Judge  
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